



# California Regional Water Quality Control Board

## San Diego Region

Winston H. Hickox  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb9/>  
9174 Sky Park Court, Suite 100, San Diego, California 92123  
Phone (858) 467-2952 • FAX (858) 571-6972



Gray Davis  
Governor

July 30, 2003

**CERTIFIED-RETURN RECEIPT REQUESTED**  
**7002 2410 0000 4398 2480**

In reply refer to:  
**CA: 10-3020505.02:melbf**

Mr. Martin L. Brumfield  
Vice President of Operations  
Southern California Division  
Ryland Homes of California, Inc.  
Serenada Development  
5740 Fleet Street, Suite 200  
Carlsbad, California 92008

Dear Mr. Brumfield:

**Proposed Settlement of Complaint No. R9-2003-0162 for Assessment of Administrative Civil Liability against Ryland Homes of California, Inc. for Violation Of California Water Code §§ 13267, 13376 and 13383, and State Board Order No. 99-08-DWQ, Serenada Construction Site (WDID No. 9 33S320505)**

This letter is to confirm that the California Regional Water Quality Control Board, San Diego Region (Regional Board) received an offer from Ryland Homes of California, Inc. (Ryland) to settle Administrative Civil Liability (ACL) Complaint No. R9-2003-0162 issued on June 5, 2003. The terms of the settlement are contained in your letter dated July 24, 2003 and are summarized below:

1. Ryland will submit a check for \$88,850 to the California State Water Resources Control Board (State Board) for deposit in the State Water Pollution Cleanup and Abatement Account no later than October 10, 2003.
2. Ryland commits to comply with State Board Order No. 99-08-DWQ, *NPDES General Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity* now and in the future at all existing and future Ryland construction sites within the San Diego Region.
3. Civil liability will be assessed as follows:
  - a. Two days of sediment discharge (February 11 and 13, 2003) at \$10,000 per day for a total of \$20,000;

***California Environmental Protection Agency***

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**Mr. Martin L. Brumfield  
Vice President of Operations  
Ryland Homes of California, Inc.**

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**July 30, 2003**

- b. Thirty-five days (February 28, 2003 through March 22, 2003, and April 13, 2003 through April 15, 2003) of failure to implement a Storm Water Pollution Prevention Plan (SWPPP) at \$1,500 per day for a total of \$52,500;
  - c. One hundred and ninety-one days (September 1, 2002 through March 10, 2003) of failure to file a Notice of Intent (NOI) to comply with the terms of State Board Order No. 99-08-DWQ at \$50 per day for a total of \$9,550; and
  - d. Sixty-eight days (April 1, 2003 through June 5, 2003) of failure to submit a technical report at \$100 per day for a total of \$6,800.
4. Ryland waives its right to petition this settlement to the State Board.
5. Ryland will publish the attached notice in the Riverside Press Enterprise no later than August 1, 2003, notifying the public of a 30-day review period from August 1, 2003 through August 30, 2003, and soliciting public comments on the terms of the settlement.

I have determined that it is in the best interest of the Regional Board to resolve this matter by accepting your settlement with the following clarification and condition:

Regional Board acceptance of the settlement will resolve all liability which was alleged in ACL Complaint No. R9-2003-0162. Although the Regional Board elects not to assess the proposed liability for all of the violations alleged in the complaint, this does not alter our findings of the alleged violations documented at the Ryland site. Therefore, if an ACL Complaint were issued in the future for new violations, the amount of the liability assessed against Ryland would be based on consideration of all past violations alleged including those not assessed, as well as other factors established in the California Water Code.

Subsequently, the Regional Board will consider acceptance of the proposed settlement during its regularly scheduled meeting of September 10, 2003. The meeting will begin at 9:00 a.m. and be held at the Regional Board's office located at 9174 Sky Park Court, Suite 100, San Diego, California. The Regional Board will send you an agenda the first week of September and will include copies of all comments received during the public comment period.

Assuming Ryland concurs with the condition and clarification stated above, the 30-day comment period will commence with the proper public noticing by Ryland to initiate the public comment period.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

***California Environmental Protection Agency***

**Mr. Martin L. Brumfield**  
**Vice President of Operations**  
**Ryland Homes of California, Inc.**

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**July 30, 2003**

Please contact Frank Melbourn of my staff at (858) 467-2966 or [melbf@rb9.swrcb.ca.gov](mailto:melbf@rb9.swrcb.ca.gov) if you have any questions concerning this matter.

Respectfully,



**JOHN H. ROBERTUS**  
Executive Officer

JHR:mpm:mja:ftm

Attachment: Public Hearing Notice

Copy with Enclosures:

1. Mr. Ken Burris  
City of Murrieta  
26442 Beckman Court  
Murrieta, California 92562
2. Ms. Ellen Blake, WTR-7  
US EPA Region IX  
75 Hawthorne Street  
San Francisco, California 94105-3901

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## **NOTICE OF PUBLIC HEARING**

Settlement of Administrative Civil Liability (ACL) Order against Ryland Homes of California, Inc. (Ryland) based upon ACL Complaint No. R9-2003-0162.

The California Regional Water Quality Control Board, San Diego Region (Regional Board) will consider settlement of an ACL against Ryland issued pursuant to section 13385 of the California Water Code. Ryland is alleged to have violated California State Water Resources Control Board (State Board) Order No. 99-08-DWQ, NPDES General Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity.

Ryland's Serenada construction site is located in the City of Murrieta, within the Regional Board's jurisdiction. Pursuant to the settlement Ryland will pay \$88,850 to the State Water Pollution Cleanup and Abatement Account.

Written public comments regarding the settlement of ACL Complaint No. R9-2003-0162 will be accepted from August 1-30, 2003. A public hearing is schedule to be held at the Regional Board's September 10, 2003 meeting at the Regional Board office located at 9174 Sky Park Court, Suite 100, San Diego, California. Oral comments will be accepted at the meeting that will begin at 9:00 a.m.

For more information regarding this public hearing, and documentation related to these matters call the Regional Board office at (858) 467-2952 or visit the Regional Board web site at: <http://swrcb.ca.gov/rwqcb9>.

John H. Robertus  
Executive Officer  
California Regional Water Quality Control Board, San Diego Region  
July 23, 2003